



TO: Program Directors
Local Office Managers

FROM: Elizabeth L. White, Chief Counsel/ Supervisor-
Legal Support

DATE: August 19, 1999

SUBJECT: DWD Communication # 99-6
Servicing Affirmative Action Job Orders

RE: Job Service Programs

Purpose

To provide updated procedures for servicing Affirmative Action (AA) job orders.

Rescission

Operational Directive No. 140 (dated May 4, 1988).

Content

Many employers, especially federal contractors and subcontractors, are required to prepare Affirmative Action Plans (AAP) to ensure that their employment practices are non-discriminatory and that any continuing effects of past discrimination are erased. The legal basis for the requirements are:

Executive Order No. 11246, as amended – requires certain government contractors and subcontractors to take affirmative action to hire and promote qualified minorities and women.

Section 503 of the Rehabilitation Act (29 U.S.C. 793) – requires certain government contractors and subcontractors to take affirmative action to hire and advance qualified individuals with disabilities.

Section 402 of the Vietnam-era Veterans Readjustment Act of 1974 (38 U.S.C.4212) - requires certain government contractors and subcontractors to take affirmative action to employ and advance Vietnam-era and special disabled veterans.

Specific court orders, conciliation agreements, or other fair employment practices laws may require employers to take affirmative action with regard to a particular group.

It is the policy of the Department of Workforce Development to accept affirmative action job orders. An affirmative action job order is one which seeks qualified applicants, particularly applicants who are members of a specific group which for reasons of past customs, historical practice, or other non-occupationally related purposes have been

discouraged from entering certain occupational fields. The fair employment practices laws have identified these groups to include females, minorities (Blacks, Hispanics, Asians, American Indians, and Alaskan Natives), disabled individuals, and workers over age 40.

When an employer requests an affirmative action recruitment effort, the following should be clarified:

1. Ensure the employer understands that we cannot refer exclusively the “targeted” group. According to the Wagner-Peyser regulations (20 CFR 652.8(J)(3)), offices should make an effort to include a significant number of the requested group among other qualified referrals.
2. Explain that the veterans’ preference procedure must be provided in the referral process. The office should make a special effort to assure that the “targeted” group is represented among the qualified veterans referred. However, VETERANS RECEIVE PREFERENCE IN ALL REFERRALS.

Should staff have reason to question the legitimacy of an Affirmative Action recruitment effort, the EEO Coordinator should be contacted at (317) 232-7484 for assistance.

Local office staff should indicate the affirmative action nature of a job order by clicking on the affirmative action check box on the job order details screen in the CS-3 system. The specific need of the employer should be noted as follows in the job details box:

AA: All qual apps considered. “(targeted group)” encouraged to apply.

If the selection process does not satisfy an employer’s referral needs, then contacts should be considered with specialized organizations, such as Hispanic and other minority groups. No qualified applicant shall be denied a referral because he or she is not a member of the group identified in the affirmative action effort. If a qualified applicant is denied a referral on any job order because of race, sex, color, etc., departmental policy as well as state and federal laws are violated.

Effective Date

Upon receipt

Ending Date

Until rescinded

Action

The information contained within must be disseminated to all job service staff. Questions may be directed to Fay Stewart, EEO Coordinator, at (317) 232-7484.